REMARKS

Claims 1-3, 6-10 and 16-21 are pending. New dependent claims 22-29 have been added.

The specification and all claims have been amended as indicated above and described below. No amendment or new claim introduces new matter.

Objections

The specification has been amended by submitting a replacement paragraph showing the addition of an appropriate sequence identifier on page 6, first paragraph. It is respectfully requested that the objection to the specification be withdrawn.

Claims 1-3 and 6-10 have been amended in accordance with Examiner's guidelines. Specifically, the appropriate articles "A" and "The" have been added to the claims. It is respectfully requested that the objection to the claims be withdrawn.

Claim 7 has been amended to replace the "interfaces..." term. The claim now requires that the multi-cloning sites do not cut within either of the transgene or the YB-1 promoter.

Claim 9 has been amended, however, the spelling errors Examiner describes are not evidenced on our copy of the response filed at that time. It seems likely that these errors may have resulted from poor reproduction during the fax transmission. It is noteworthy that both spelling errors are on the top line of the page.

If Examiner requires that we submit a Supplemental Amendment indicating that the aforementioned spelling errors are corrected we will gladly do so. The undersigned is assuming, however, that it is not necessary to correct errors that are only apparent (e.g., due to transmission) and not actual errors in fact.

In claim 16, the term "it" has been replaced by "the vector" as Examiner suggests.

Written Description

Independent claim 17 is canceled.

New dependent claims 22-29 are directed toward a method of expressing a transgene in a mammal. The claims are believed to be amply supported and enabled by the specification including the examples.

Adenoviral vectors are second only to retroviral vectors in viral-vector based gene therapy research. These vectors are known to have a very broad range of host-cells as well as mammals. The popularity of Adenovirus-based gene transfer vectors are known to have broad application in expressing exogenous gene sequences in cells of human, monkey, rats, mice and pigs after in vitro and in vivo gene transfer studies.

In accordance, with the evidence of record and knowledge in the art, the vectors described and claimed will likely function in a broad spectrum of mammalian cell types and organisms.

CONCLUSION

Early and favorable action is respectfully requested.

The substance of the last office action indicates that claims 1-3, 6-10 and 18-21 are in allowable condition with the filing of the foregoing amendment.

Accordingly, allowance of claims 1-3, 6-10 and 18-21 is respectfully requested.

New claims 22-30 are believed to be in condition for allowance. Accordingly, allowance of these and all claims is requested.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

Respectfully Submitted,

Norris, McLaughlin & Marcus
875 Third Avenue
18th Floor
New York, NY 10022
Telephone (212) 808-0700
Facsimile (212) 808-0844

Theodore Gottlieb,PhD
Reg. No. 42, 597

Certificate of Transmission

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office Fax No. (703) 872-9306 on October 1, 2004.
(Date)

Theodore Gottlieb
Typed or printed name of transmitter

Signature